

PR60507USw

REMARKS

Claims 1-12, 14, 22, and 24-35 are currently pending in this application. In this amendment, claims 1, 4, 5, and 12 have been amended, and claims 22, and 24-31 have been withdrawn subject to the restriction requirement. No new matter has been added.

Restriction has been required between claims of Groups I, II, and III as follows:

Group I, claims 1-12, 14, and 32-35 (compound, formulation, and intermediate claims),

Group II, claims 25-31 (process claims), and

Group III, claims 22 and 24 (method of treatment claims).

In order to comply with the Restriction Requirement, Applicants elect the claims of Group I, but traverse the restriction on the grounds that the required restriction is inconsistent with U.S. Unity of Invention practice. By rule, an international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories: [...] a product, a process specially adapted for the manufacture of the said product, and a use of the said product (37 CFR 1.475(b)). Here, the methods of treatment claims of Group III and the process claims of Group II are linked by dependency to the compound claims of Group I. Thus, the restriction between groups is improper under 37 CFR 1.475(b).

An election of species has also been required. In order to comply with the election of species requirement, Applicants elect the single compound 35, as described in Example 22 of the specification.

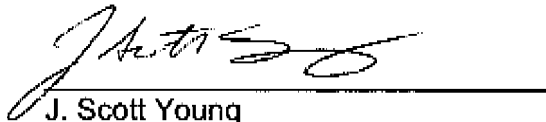
In addition to responding to the Restriction and Election Requirements, Applicants have amended the claims to further define the types of salts, solvates, and pharmaceutically acceptable derivative recited in the claims.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge any fees or credit any overpayment, particularly including any fees required under 37 CFR Sect 1.16 or 1.17, and any necessary extension of time fees, to deposit Account No. 07-1392.

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Applicants respectfully submit that the instant application is in condition for allowance, which action is respectfully requested. The Examiner is invited to contact the undersigned at (919) 483-8160, to discuss this case, if desired.

Respectfully submitted,



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